

III. REMARKS

1. Claims 1-17 remain in the application. Claims 1, 9, and 17 have been amended.

Support for the amendments may be found in the specification, for example, page 7, lines 1-8 state:

The user of the first terminal TE1 can advantageously utilize the browser application or another known application to produce a message to be transmitted. The user for example writes a message for the recipient of the message and supplements the message with an attachment. Thus, the application A1 conducts the act of framing the information transmitted in the message to be transferred to the lower layers in the protocol stack advantageously by means of a message interpreter MMS. (Emphasis added)

In addition, page 9, lines 17-21 state:

In the application layer the message interpreter MMS interprets the message and unpacks the information contained in the data fields of the frames in the message e.g. to be presented in the display means of the receiving terminal TE2, to be stored in a file, etc. (Emphasis added)

Thus, the application layer completely forms the message and delivers it to lower layers to be included in packet(s) of lower levels.

2. Claims 1-3, 5-11 and 13-17 are not anticipated by Gleeson et al. (US 5,627,829, "Gleeson") under 35 USC 102(b).

Gleeson fails to disclose or suggest completely forming messages in the application layer from the information to be transmitted, where said messages are different from said information being transmitted, as recited by claims 1, 9, and 17.

Applicants submit that Gleeson fails to disclose completely forming messages at the application layer.

In the present invention the term message means a certain unity of information which is completely formed at the application layer from the information to be transmitted and this

message is different from the information to be transmitted. That message then traverses through the protocol stack and will change at different levels of the protocol stack.

Column 6, lines 47-56, cited by the Examiner, states that the *application layer... handles protocols and interface information that directly communicate with a client application program running at the station*. Column 7, lines 4-6 disclose the corresponding receiving operation: "Finally, the information passes to the application layer 202 which directly interfaces with the application program running in the second node." There is nothing in Gleeson that explicitly or implicitly discloses or suggests that messages are completely formed in the application layer.

It would be clear to one skilled in the art that in Gleeson when the application layer interfaces information to lower levels of a protocol stack the lower level adds some level-specific details to the information, not the application layer. In Gleeson the application layer only passes the information to the lower level.

In contrast, in the present invention messages are formed in the application layer which is a novel and non-obvious feature, not disclosed in any of the references.

At least for these reasons, Applicants submit that Gleeson does not anticipate independent claims 1, 9, and 17 and dependent claims 2, 3, 5-10, 11, and 13-16.

2.1. With particular reference to claims 7 and 15, Gleeson fails to disclose using the WAP system. The Examiner states that the radio modem protocol "RM" is functionally equivalent to wireless application protocol "WAP." Applicants disagree. In Col. 10, lines 5-39 Gleeson discloses:

"The basic protocol stack diagram for the prior art wireless network is shown in FIG. 8A which illustrates a connection between a mobile client node (stack 838) and a server node on a LAN network (stack 846). The client node protocol stack 838 communicates with a radio packet modem 840 which, in turn, communicates with base station 842. Base station 842 communicates with a message switch 844 which, in turn, communicates to the LAN server stack 846.

Protocol stack 838 in the mobile client node consists of the application layer 800, non-standard protocol layer 802, and a protocol layer 804 for the protocol used by the radio packet modem 840. The non-standard layer 802 is network specific and must be used by clients and hosts/gateways which access the wireless network. Protocol layer 802 provides the means whereby the mobile client node identifies the host to which it wants to communicate and other options, such as the use of acknowledgements.

The modem protocol layer 804 converts the non-standard protocol used in layer 802 to the radio modem protocol (RM) used to interface with the radio packet modem 840. This latter protocol is both network and modem specific.

The radio packet modem, in turn, communicates with the base station 842 by means of a radio protocol (RP). The modem/base station radio protocols generally include significant error correction overhead and, if retries and acknowledgements are taken into account, the effective throughput over the radio link is typically only 10% to 50% of the nominal throughput depending on the traffic being carried over the network."

The underlined text shows that the radio modem protocol is both network and modem specific. In the past it was common to talk about "Hayes compatible modems".

Applicants submit that RM and WAP are not functionally equivalent. WAP is not a protocol specific to a modem model. Further, WAP protocol is not used for transmitting the data- TCP/IP protocol, for instance, is.

3. Applicants respectfully submit that claims 4 and 12 are patentable over the combination of Gleeson in view of Bhagwat et al. (US 6,721,805, "Bhagwat") under 35 USC 103(a).

Claims 4 and 12 depend from claims 1 and 9, respectively.


The combination of Gleeson and Bhagwat fails to disclose or suggest producing messages in the application layer from the information to be transmitted, said messages being different from said information being transmitted, as recited by claims 1 and 9. Bhagwat fails to disclose this feature missing from Gleeson.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record,

and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,


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